STATE OF TENNESSEE
BOARD OF WATER QUALITY, OIL, AND GAS

IN THE MATTER OF:	)	**DIVISION OF WATER RESOURCES**
	)	**CASE NUMBER DWS23-0190**
	)	
DEPARTMENT OF ENVIRONMENT	)	
AND CONSERVATION,	)	
Petitioner,	)	
	)	
v.	)	
	)	
TOWN OF TELLICO PLAINS	)	**DOCKET NUMBER 04.02-244954J**
TENNESSEE,	)	**JUDGE MARK GARLAND**
	)	
Respondent.	)	

DEPARTMENT'S MOTION FOR COSTS

The petitioner, Department of Environment and Conservation ("Department"), by and through counsel, respectfully submits the following Motion for Costs. On June 16-17, 2025, the parties appeared before Administrative Judge Mark Garland, sitting on behalf of the Board of Water Quality, Oil & Gas, for a contested case on the respondent Town of Tellico Plains' ("Respondent") appeal of Director's Order DWS23-0190 ("Director's Order"). Following the contested case hearing, the parties submitted post-hearing briefs. As part of its brief, the Department sought recovery of some of its costs pursuant to Tenn. Code Ann. §§ 68-221-713(a)(3) and (e). On September 30, 2025, Administrative Judge Garland entered an initial order affirming in part and modifying in part the Director's Order ("Initial Order"). The Initial Order denied the Department's request for costs on procedural grounds, but instructed the Department to make its request in the form of a motion, as required by Tenn. Comp. R. & Regs. 1360-04-01-.16(1). The Department now submits its motion.

TN SOS-APD Tue, Oct 14, 2025 03:10 PM : 1 of 11 pages filed

Prevailing parties may move for an award of costs "whenever a statute allows for the recovery of costs." Tenn. Comp. R. & Regs. 1360-04-01-.16(1); *see also* Tenn. R. Civ. P. 54.04(1) ("Costs included in the bill of costs prepared by the clerk shall be allowed to the prevailing party unless the court otherwise directs. . ."). In this case, the statutory authority for an award of costs under the provisions of the Tennessee Safe Drinking Water Act (SDWA) is found in Tennessee Code Annotated sections 68-221-713(a)(3) and (e). Section 713(a)(3) provides that any person who violates any provision "shall . . . be liable for any damages to the state . . ., without regard to whether any civil penalty is assessed." Tenn. Code Ann. § 68-221-713(a)(3). The SDWA clarifies that the term "damages to the state" includes "reasonable expenses incurred in investigating and enforcing violations." Tenn. Code Ann. § 68-221-713(e).

The Respondent committed violations of the SDWA, which required the Department to investigate and ultimately take enforcement action in the form of the Director's Order. The Department then incurred reasonable expenses while enforcing the violations affirmed in the Initial Order. Without a doubt, the Department is the prevailing party in this case. The Initial Order found that "the Department met its burden of proof on the issue of liability and that the violations at issue [in the Director's Order] occurred." Initial Order, at 17. The Initial Order further held that the Department proved "by a preponderance of the evidence that its civil penalty calculation [in the Director's Order was] appropriate, in compliance with applicable law and policy, and not otherwise arbitrary or capricious." *Id.*

The Department has incurred reasonable expenses in investigating and enforcing the violations outlined in the Director's Order, including the costs associated with the Administrative Procedures Division for docketing, filing, judges, and other costs as described in the bill of costs.[1]

[1] The bill of costs is attached as Exhibit 1 to the affidavit of the undersigned counsel, which is attached hereto as Exhibit A.

TN SOS-APD Tue, Oct 14, 2025 03:10 PM : 2 of 11 pages filed

Further, the Department is the prevailing party in this matter. Therefore, the Department respectfully requests its costs in the amount of $5,340.

For the reasons set forth above, the Department respectfully requests that its Motion for Costs be granted.

Respectfully submitted on October 14, 2025.

Samantha Buller-Young

Samantha Buller-Young (BPR# 040466)
Assistant Counsel
Department of Environment and Conservation
3711 Middlebrook Pike, Suite 101
Knoxville, Tennessee 37919
Telephone: (865) 440-8303
Samantha.Buller-Young@tn.gov

Attorney for the Department of Environment and Conservation

TN SOS-APD Tue, Oct 14, 2025 03:10 PM : 3 of 11 pages filed

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been sent to the following by electronic mail on October 14, 2025.

Brian C. Quist
Peter Amoruso
Quist, Fitzpatrick & Jarrard, PLLC 800
South Gay Street
Suite 2121
Knoxville, TN 37929
bcquist@QFJlaw.com
p. 865 524.1873 ext. 207
f. 865 525.2440

Attorneys for the Respondent.

Samantha Buller-Young

Samantha Buller-Young

TN SOS-APD Tue, Oct 14, 2025 03:10 PM : 4 of 11 pages filed

EXHIBIT A

TN SOS-APD Tue, Oct 14, 2025 03:10 PM : 5 of 11 pages filed

STATE OF TENNESSEE
BOARD OF WATER QUALITY, OIL, AND GAS

IN THE MATTER OF:	)	**DIVISION OF WATER RESOURCES**
	)	**CASE NUMBER DWS23-0190**
	)	
DEPARTMENT OF ENVIRONMENT	)	
AND CONSERVATION,	)	
Petitioner,	)	
	)	
v.	)	
	)	
TOWN OF TELLICO PLAINS	)	**DOCKET NUMBER 04.02-244954J**
TENNESSEE,	)	**JUDGE MARK GARLAND**
Respondent.	)	

AFFIDAVIT OF SAMANTHA BULLER-YOUNG

I, Samantha Buller-Young, having first been duly sworn, state and affirm as follows:

1. I am over 18 years old and make this statement based upon my personal knowledge.
2. I am currently employed as an Assistant Counsel in the Department of Environment and Conservation (Department)'s Office of General Counsel. I am the Department's counsel of record in the above-captioned matter.
3. I am making this affidavit in support of the Department's Motion for Costs in the above-captioned matter.
4. I have personal knowledge of this matter and am competent to testify to it.
5. On July 22, 2025, I requested an accounting of costs from the Administrative Procedures Division for the costs associated with Docket No. 04.02-244954J, and a true and correct copy of what I received is attached hereto as Exhibit 1.

I declare under penalty of perjury that the foregoing is true and correct.

TN SOS-APD Tue, Oct 14, 2025 03:10 PM : 6 of 11 pages filed

Samantha Buller-Young

STATE OF TENNESSEE

COUNTY OF Knox

Sworn to and subscribed before me on October 14th, 2025.

Stacy Lee Johnson
NOTARY PUBLIC

STACY LEE JOHNSON
STATE OF TENNESSEE NOTARY PUBLIC
KNOX COUNTY
MY COMMISSION EXPIRES 7-31-2029

My commission expires:

7/31/29

TN SOS-APD Tue, Oct 14, 2025 03:10 PM : 7 of 11 pages filed

EXHIBIT 1

TN SOS-APD Tue, Oct 14, 2025 03:10 PM : 8 of 11 pages filed

STATE OF TENNESSEE
OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE PROCEDURES DIVISION

CERTIFICATION OF COSTS

CASE: TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION V. TOWN OF TELLICO PLAINS, TENNESSEE

CASE NO. 04.02-244954J

I, Stephanie Shackelford, Director, Administrative Procedures Division, Tennessee Secretary of State, do hereby certify that the attached represents the costs assessed by the Administrative Procedures Division in the above-referenced case as of 1:31 pm on July 25, 2025. Additional costs may accrue for this case if additional work is completed by the Administrative Procedures Division after this time and date.

This is not a bill to be paid to the Administrative Procedures Division. Please do not pay any money directly to the Administrative Procedures Division, as doing so may result in overpayment. The Administrative Procedures Division will bill the responsible entity directly.

STEPHANIE SHACKELFORD, DIRECTOR
ADMINISTRATIVE PROCEDURES DIVISION
OFFICE OF THE SECRETARY OF STATE

TN SOS-APD Tue, Oct 14, 2025 03:10 PM : 9 of 11 pages filed

Creation Date/Time: July 25, 2025 1:31 pm
Case No.: 04.02-244954J
Case: TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION v. Town of Tellico Plains, Tennessee

Professional Services

Date	Biller Name	Activity	Hours Worked	Hours Billed	Hourly Rate	Total Amount
10/21/2024	Garland, Mark L	Initial Docketing Fee	0.00	2.00	$100.00	200.00
10/21/2024	Garland, Mark L	Review Documents	0.30	0.00	$100.00	0.00
10/23/2024	Garland, Mark L	Order Preparation	0.60	0.00	$100.00	0.00
11/18/2024	Garland, Mark L	Pre-Hearing Conference	0.80	0.00	$100.00	0.00
11/18/2024	Garland, Mark L	Order Preparation	0.40	0.10	$100.00	10.00
11/19/2024	Garland, Mark L	Order Preparation	0.30	0.30	$100.00	30.00
11/21/2024	Garland, Mark L	Order Preparation	0.10	0.10	$100.00	10.00
1/17/2025	Garland, Mark L	Review Documents	0.30	0.30	$100.00	30.00
2/6/2025	Garland, Mark L	Order Preparation	0.30	0.30	$100.00	30.00
2/11/2025	Garland, Mark L	Research	0.50	0.50	$100.00	50.00
2/18/2025	Garland, Mark L	Research	0.70	0.70	$100.00	70.00
2/18/2025	Garland, Mark L	Order Preparation	1.10	1.10	$100.00	110.00
2/19/2025	Garland, Mark L	Order Preparation	0.50	0.50	$100.00	50.00
2/20/2025	Garland, Mark L	Review Documents	1.50	1.50	$100.00	150.00
3/4/2025	Garland, Mark L	Research	2.00	2.00	$100.00	200.00
3/4/2025	Garland, Mark L	Order Preparation	2.00	2.00	$100.00	200.00
3/5/2025	Garland, Mark L	Order Preparation	1.20	1.20	$100.00	120.00
3/13/2025	Garland, Mark L	Order Preparation	0.50	0.50	$100.00	50.00
3/21/2025	Garland, Mark L	Correspondence/Email	0.40	0.40	$100.00	40.00
3/31/2025	Garland, Mark L	Review Documents	2.00	2.00	$100.00	200.00
4/1/2025	Garland, Mark L	Pre-Hearing Conference	0.70	0.70	$100.00	70.00
4/2/2025	Garland, Mark L	Correspondence/Email	0.30	0.30	$100.00	30.00
4/3/2025	Garland, Mark L	Order Preparation	0.30	0.30	$100.00	30.00
4/8/2025	Garland, Mark L	Correspondence/Email	0.10	0.10	$100.00	10.00
4/8/2025	Garland, Mark L	Review Documents	0.50	0.50	$100.00	50.00
4/9/2025	Garland, Mark L	Pre-Hearing Preparation	1.50	1.50	$100.00	150.00
4/9/2025	Garland, Mark L	Pre-Hearing Conference	1.40	1.40	$100.00	140.00
4/9/2025	Garland, Mark L	Order Preparation	0.30	0.30	$100.00	30.00
4/24/2025	Garland, Mark L	Review Documents	0.30	0.30	$100.00	30.00
4/28/2025	Garland, Mark L	Research	0.50	0.50	$100.00	50.00
4/28/2025	Garland, Mark L	Order Preparation	1.20	1.20	$100.00	120.00
4/30/2025	Garland, Mark L	Order Preparation	2.60	2.60	$100.00	260.00
5/2/2025	Garland, Mark L	Order Preparation	4.50	4.50	$100.00	450.00
5/6/2025	Garland, Mark L	Order Preparation	1.00	1.00	$100.00	100.00
5/28/2025	Garland, Mark L	Order Preparation	0.40	0.40	$100.00	40.00
5/30/2025	Garland, Mark L	Review Documents	0.10	0.10	$100.00	10.00
5/30/2025	Garland, Mark L	Correspondence/Email	0.20	0.20	$100.00	20.00
5/30/2025	Garland, Mark L	Order Preparation	0.30	0.30	$100.00	30.00
6/12/2025	Garland, Mark L	Pre-Hearing Conference	0.50	0.50	$100.00	50.00

TN SOS-APD Tue, Oct 14, 2025 03:10 PM : 10 of 11 pages filed

6/14/2025	Garland, Mark L	Pre-Hearing Preparation	1.50	1.50	$100.00	150.00
6/15/2025	Garland, Mark L	Pre-Hearing Preparation	1.00	1.00	$100.00	100.00
6/16/2025	Garland, Mark L	Travel	1.80	1.80	$100.00	180.00
6/16/2025	Garland, Mark L	Hearing	7.50	7.50	$100.00	750.00
6/17/2025	Garland, Mark L	Hearing	7.50	7.50	$100.00	750.00
6/17/2025	Garland, Mark L	Travel	1.80	1.80	$100.00	180.00
7/14/2025	Garland, Mark L	Correspondence/Email	0.10	0.10	$100.00	10.00
For Professional Services Rendered:			**53.40**	**53.40**		**$5,340.00**

TN SOS-APD Tue, Oct 14, 2025 03:10 PM : 11 of 11 pages filed